

## Message Text

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ACTION NEA-11

INFO OCT-01 EUR-12 ISO-00 HA-05 IO-13 CIAE-00 DODE-00

PM-05 H-01 INR-10 L-03 NSAE-00 NSC-05 PA-01

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FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 7606

INFO AMEMBASSY ANKARA

AMEMBASSY COLOMBO

AMEMBASSY DACCA

AMEMBASSY KABUL

AMEMBASSY KATHMANDU

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AMEMBASSY NEW DELHI

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AMEMBASSY PARIS

CINCPAC

AMCONSUL KARACHI

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PACOM FOR POLAD

E.O. 11652: N/A

TAGS: PINT, PK

SUBJECT: BHUTTO SUPREME COURT PROCEEDINGS DRAG ON

REF: ISLAMABAD 5389

1. SUMMARY. WHILE DEFENSE COUNSEL YAHYA BAKHTIAR CONTINUED TO READ THE EVIDENCE OF PROSECUTION WITNESSES INTO THE RECORD, CONTROVERSY SURROUNDED THE QUALITY AND CIRCUMSTANCES OF FORMER PM BHUTTO'S INCARCERATION. THE CHIEF JUSTICE HAS MOVED QUICKLY AND EFFECTIVELY TO STILL THE FIREWORKS. END SUMMARY.

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2. YAHYA BAKHTIAR'S PERFORMANCE IN THE SUPREME COURT THIS WEEK CONTINUED TO PROVIDE A LESSON IN SOMNAMBULISM AS HE PONDEROUSLY READ INTO THE RECORD THE TESTIMONY OF MORE PROSECUTION WITNESSES. BAKHTIAR'S READINGS WERE DESIGNED TO SHOW THAT THE MURDER OF NAWAB MOHAMMAD AHMAD KHAN MIGHT HAVE BEEN THE WORK OF FORMER FEDERAL SECURITY FORCES CHIEF MASOOD MEHMOOD WITHOUT THE PRIOR

KNOWLEDGE OR APPROVAL OF THEN PRIME MINISTER BHUTTO. BAKHTIAR HAD EARLIER ATTEMPTED TO DEMONSTRATE THAT MEHMOOD, WHO, ALONG WITH AHMAD RAZA KASURI AND HIS LATE FATHER, EILS FROM KASUR, HAD ADEQUATE PERSONAL REASONS FOR ATTEMPTING TO KILL KASURI.

3. WHILE THE APPEAL DRONED ON, A TEMPEST AROSE ABOUT THE CONDITIONS UNDER WHICH THE FORMER PRIME MINISTER IS BEING HELD AT THE RAWALPINDI JAIL. BHUTTO'S ADVOCATES HAVE ALLEGED THAT HIS JAIL CELL IS BEING BUGGED, THAT HIS CELL HAD BEEN SEARCHED BY A MILITARY OFFICER, THAT A TELEPHONE HAD BEEN INSTALLED NEAR THE CELL OVER WHICH A RUNNING COMMENTARY ON BHUTTO'S ACTIVITIES WAS MADE, AND THAT, IN A SPECIFIC INCIDENT, THE FORMER PRIME MINISTER WAS FORCED TO WAIT FOR AN HOUR AND A HALF BEFORE RECEIVING MEDICAL ATTENTION AFTER A FAINTING SPELL.

4. PRISON AUTHORITIES REJECTED ALL OF THE ALLEGATIONS, COUNTERING WITH THE ARGUMENT THAT, FAR FROM BEING DEPRIVED, BHUTTO IS BEING GIVEN TREATMENT MUCH BETTER THAN THAT NORMALLY AFFORDED CONVICTED PRISONERS. THEY NOTED IN PARTICULAR THAT THE TELEPHONE WHICH THE DEFENSE HAD CHARGED WAS USED TO SPY ON THE FORMER PM--A CHARGE THEY DENIED--HAD ACTUALLY BEEN INSTALLED AT BHUTTO'S REQUEST.

5. IN A RELATED INCIDENT, BEGUM BHUTTO WAS DENIED PERMISSION TO VISIT HER HUSBAND ON JUNE 5 AFTER AN ALTERCATION WITH PRISON AUTHORITIES OVER WHETHER SHE SHOULD PERMIT BAGS IN HER POSSESSION TO BE SEARCHED. EACH SIDE IN THIS CASE ACCUSED THE OTHER OF RUDE LIMITED OFFICIAL USE

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AND ABUSIVE BEHAVIOR.

6. OBSERVING THAT THE COURT DESIRES NO DISTRACTION TO TAKE ITS ATTENTION AWAY FROM THE IMPORTANT MATTERS AT HAND, THE CHIEF JUSTICE ON JUNE 6 ORDERED THAT THE PUNJAB HOME SECRETARY AND THE INSPECTOR GENERAL OF PRISONS COME TO RAWALPINDI THE FOLLOWING DAY TO DEAL WITH THESE QUESTIONS. THE PRESS, ON JUNE 8, REPORTS THAT, IN A TWO-HOUR MEETING ATTENDED BY THE I.G. OF PRISONS, THE HOME SECRETARY AND DEFENSE AND PROSECUTION COUNSEL, OUTSTANDING ISSUES WERE AMICABLY RESOLVED--AT LEAST FOR NOW.

7. COMMENT: THREE WEEKS INTO THE APPEAL, AND THE COURT STILL VERY MUCH MIRED IN THE PRELIMINARY READING INTO THE RECORD--WITH COMMENTARY--OF THE TRIAL COURT TRANSCRIPT. AT THIS PACE, THE APPEAL COULD WELL DRAG ON THROUGH THE END OF THE PUNJAB SUMMER AND INTO THE MONSOON SEASON.

8. DESPITE HIS EARLIER ATTEMPT TO GET COUNSELOR BAKHTIAR TO SPEED UP THE READINGS (REFTEL), THE CHIEF JUSTICE HIMSELF IS CONTRIBUTING TO THE SLOW PACE. IN KEEPING WITH THE SERIOUSNESS OF THE PROCEEDINGS, AND SO AS TO ENSURE THAT NO ONE WILL BE ABLE TO QUESTION WHETHER JUSTICE HAS BEEN DONE, HE IS USING THE FULL

WEIGHT OF HIS OFFICE TO DEAL SPECIFICALLY WITH EVERY POINT RAISED BY THE DEFENSE, WHETHER OF PROCEDURE, OF SUBSTANCE, OR EVEN OF ALLEGED HARRASSMENT OF THE DEFENDANTS. THE CAPACITY OF PAKISTANI PRISON OFFICIALS FOR ADMINISTRATIVE HARRASSMENT AND PETTIFOGLERY AND OF YAHYA BAKHTIAR FOR DRAMATIC OVERSTATEMENT WOULD SEEM TO ENSURE CONTINUED INVOLVEMENT BY THE CHIEF JUSTICE IN MATTERS RELATING TO BHUTTO'S CONFINEMENT, EVEN AS THE APPEAL PROCESS INCES ITS WAY TOWARD A DECISION.

HUMMEL

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## Message Attributes

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